

REMARKS

The Examiner's recognition of Applicants' invention by the indication of allowable subject matter in claims 2-5 is gratefully acknowledged.

The Abstract has been rewritten to provide a better description of the disclosure. The specification is amended to delete an unnecessary statement.

The claims have been rewritten for purposes of clarity to a form more customary for U.S. patent practice. Claim 20 has been drafted so that the scope corresponds to claims 1 and 2, thereby including the features of claim 2 indicated to be allowable.

Provisional Election

A Restriction Requirement was imposed between:

Group I, claims 1-14, directed to an arrangement of a steering column mounted to a vehicle cross-member; and

Group II, claims 15-19, directed to a method of assembling a steering column to a vehicle cross-member.

Applicants affirm their provisionally election to prosecute Group I, claims 1-14. Nevertheless, Applicants respectfully traverse the requirement.

Original claim 1, representative of Group I, calls for holding means for holding a steering column to a cross-member. The method of the Group II claims also calls for the holding means. Even a causal read of these claims reveals that they are merely different aspects of but a single invention. Moreover, prior art showing the arrangement or method

would be material to, and should properly be considered in examining all Groups, regardless of where such art is found within the classification scheme of the Patent Office. Efficiency, both on the part of Applicants, and also on the part of the Patent Office, mandates that, where the claims have common distinctive features such as here, all claims should be examined together. The Restriction Requirement unduly burdens Applicants by requiring them to file and prosecute multiple applications, and pay fees and maintain multiple patents, to obtain the patent protection to which they are entitled.

Therefore, it is respectfully requested that the Restriction Requirement be withdrawn, and that all claims of Group I and Group II be considered in the present application.

Objection to Specification

In response to an objection, the Abstract has been amended without the word “invention.” It is requested that the objection be withdrawn.

Objections to Claims

In response to an objection, the claims, as rewritten, do not include multiple dependencies. Accordingly, it is requested that the objection be withdrawn.

Claim Rejection under 35 USC § 112

The claims were rejected under 35 USC § 112. The claims have been rewritten

and are believed to be clear in pointing out and claiming the subject matter that Applicants regard as their invention. Therefore, it is requested that the rejection be withdrawn.

Claim Rejection under 35 USC § 102

Claim 1 was rejected under 35 U.S.C. § 102(a) as anticipated by French Patent document FR 2841523 (FR ‘523).

Applicants contend that FR ‘523 is not a proper reference under Section 102(a). Under Section 102(a), art is considered prior art if known in this country, or patented or described in a printed publication in a foreign country, before Applicants’ invention. In this instance, FR ‘523 was published on January 2, 2004, after the filing date of the present application on November 11, 2003. Thus, it appears that FR ‘523 was not known in this country and was not published until after Applicants’ application. Therefore, it is respectfully requested that FR ‘523 be withdrawn as a prior art reference against the present application.

Even if FR ‘523 is considered, it does not show Applicants’ invention. Claim 20 calls for a rear holding means that includes an arm attached to the steering column and received in a bore in a support section attached to the cross-member. This arrangement allows the steering column to be pivoted and displaced toward the front to engage the front holding means. In Fr ‘523, which uses a bolt to connect the front, the steering column swings into position with the bolt holes aligned. FR ‘523 does not contemplate

displacement toward the front to position the steering column and so does not show Applicants' invention in claim 20, or in claims 21-28 dependent thereon.

Accordingly, it is respectfully requested that the rejection of the claims based upon FR '523 be reconsidered and withdrawn, and that the claims be allowed.

Conclusion

It is believed, in view of the amendments and remarks herein, that all grounds of rejection of the claims have been addressed and overcome, and that all claims are in condition for allowance. If it would further prosecution of the application, the Examiner is urged to contact the undersigned at the phone number provided.

The Commissioner is hereby authorized to charge any fees associated with this communication to Deposit Account No. 50-0831.

Respectfully submitted,



Douglas D. Fekete
Reg. No. 29,065
Delphi Technologies, Inc.
Legal Staff – M/C 480-410-202
P.O. Box 5052
Troy, Michigan 48007-5052

(248) 813-1210